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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/448,804	11/24/1999	DAVID L. SALGADO	D/99253-690	5473

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Perman & Green, LLP
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EXAMINER

PANNALA, SATHYANARAYA R

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/448,804	Applicant(s) SALGADO ET AL.	
	Examiner Sathyanarayan Pannala	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

REOPENED

1. In view of the Appeal Brief filed on 5/28/2010, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below. To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 as (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Charles Rones/

Supervisory Patent Examiner, Art Unit 2164

2. In this Office Action, claims 1-21 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-2, 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara (US Patent 6,301,710) hereinafter Fujiwara, and in view of Tsumura (US Patent 5,842,023) hereinafter Tsumura.

5. As per independent claim 1, Fujiwara teaches the claimed, a multiple platform architecture data reporting system for managing attribute data in a document processing apparatus, the system, embodied on a computer readable medium in the document processing apparatus (col. 1, lines 20-23, **computer software programs and architecture and relates to a system and method for creating substitute registry when automatically installing an update program**), comprising:
a system manager, and at least one platform controller coupled to the system manager (col. 1, lines 29-31, **computer software programs typically include a series of instructions that control the operation and functionality of computer systems**) the system manager configured to: collect attribute data including copyright data pertaining to software from each platform controller (Fig. 4, col. 6, lines 15-16 and lines 22-24, **the browser program may possess selected attributes from client configuration files 340 may include information regarding the system directories or system registries for client software and other information currently residing on client 120**);
process the copyright data into a list of copyright data for the system (Fig. 9, col. 10, lines 18-21, **download module 430 preferably performs a comparison procedure between one or more download files 420 listed on network page 410 and the software programs currently installed on client 120**); and
a user interface connected to the system manager for displaying the collected attribute data in the list to a user (Fig. 3, col. 6, lines 51-53, **viewed and accessed by a system**

user by displaying client registries 355 on a graphical user interface (GUI) of client 120).

Fujiwara does not explicitly teach, recognize the copyright data in the attribute data. However, Tsumura teaches the claimed, recognize the copyright data in the attribute data (Fig. 5, col. 3, lines 14-26, **at step S15, the supply of information is appropriately controlled by the region controller, the copyright information manager and the controller employs the entire processor to determine whether or not the purpose of a user and the format in use match the conditions specified by the information provider and that are included in the attribute data.**) Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have combined the teachings of the cited references because Fujiwara's teachings would have allowed Tsumura's system would the protection of copyrights and the security of information (col. 1, lines 27-28).

6. As per dependent claim 2, Fujiwara teaches the claimed, the multiple platform architecture data reporting system as in claim 1 wherein the system manager comprises memory for storing attribute data collected by the system manager (Fig. 2-3, lines 51-55, **non-volatile memory 240 preferably includes a client application 310, middleware 320, middleware 325, a browser program 330, client configuration files 340, and client registries 355).**

7. As per dependent claim 15, Fujiwara teaches the claimed, the system manager collects attribute data from platform controller simultaneously (Fig. 1, col. 4, lines 15-17, **client-server system 160 may typically include a substantially larger number of additional client systems**).

8. As per dependent claim 16, Fujiwara teaches the claimed, the attribute data collected is attribute data stored on each platform controller and is passed to the user interface" (Fig. 1, col. 4, lines 15-19, **client-server system 160 may typically include a substantially larger number of additional client systems. Each of the additional client systems is preferably likewise configured to communicate with database server 150 and network 100**).

9. As per dependent claim 17, Fujiwara teaches the claimed "the list is a list of copyright years for the system in its entirety" as the attributes of the digital data the last update date (Fig. 6, col. 8, lines 3-5, **download module 430 then preferably compares the update module(s) listed on network page 410 and the software residing on client 120**).

10. As per dependent claim 18, Fujiwara teaches the claimed, the attribute data comprises copyright and license data related to software (Fig. 9, col. 10, lines 20-23, **miscellaneous information 918 may include, but is not limited to, a copyright**

notice, a license agreement, a description of the corresponding software, a user identification number, and a password).

11. As per dependent claim 19, Fujiwara teaches the claimed “the attribute data is a list of copyright years related to each software object of the system (Fig. 6, col. 7, line 64 to col. 8, line 2, **Network page 410 preferably contains information relating to one or more update programs that may be appropriate for client 120. For example, network page 410 may contain the name and version number of one or more update programs that client 120 may wish to download and install).**

12. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara (US Patent 6,301,710) hereinafter Fujiwara, in view of Tsumura (US Patent 6,151,624) and in view of Saito (USPA Pub. 20020073035) hereinafter Saito.

13. As per dependent claim 20, Fujiwara and Tsumura combined teaches independent claim 1. Fujiwara and Tsumura do not explicitly teach computer interfaced to copier, fax machine... However, Saito teaches the claimed, the document processing apparatus is a copier, a fax machine, a computer printer, a scanner or a multifunction device (Fig. 1, par. [0014]), lines 2-61, **the apparatus related to data processing are a versatile computer, a scanner, a printer, a copying machine, a display device, a file server, a facsimile equipment, an external storage device, and others).** Thus, it would have been obvious to one of ordinary skill in the art at the

time of the invention, to have combined the teachings of the cited references because Saito's teachings would have allowed Fujiwara's mechanism to integrate the counted values of the scanner and printer (page 1, par. [0008]).

14. Claims 3-7, 9-13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara (US Patent 6,301,710) hereinafter Fujiwara, and in view of Teare et al. (US Patent 6,151,624) hereinafter Teare.

15. As per independent claim 3, Fujiwara teaches the claimed, the method for managing attribute data in a document processing apparatus (col. 1, lines 20-23, **computer software programs and architecture and relates to a system and method for creating substitute registry when automatically installing an update program**), the method comprising the steps of:

Fujiwara teaches the claimed, displaying the collected attribute data on a user display of the document processing apparatus for managing attribute data in the document processing apparatus (Fig. 3, col. 6, lines 51-53, **viewed and accessed by a system user by displaying client registries 355 on a graphical user interface (GUI) of client 120**).

Fujiwara does not teach polling at least two platform controllers. However, Teare teaches the claimed, a system controller in the document processing apparatus polling at least two platform controllers in the document processing apparatus for attribute data (Fig. 3, col. 18, lines 18-22, **the crawler 24 polls the customer web site that is**

represented by the row or record);

Teare also teaches the claimed, the system manager collecting the attribute data from the at least two platforms in response to the step of polling (see Abstract, **a copy of the metadata is stored in a registry that is indexed at a central location. A crawler service periodically updates the registry by polling the information on each server associated with registered metadata. To locate a selected network resource, a client provides the name of the network resource to a resolver process**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have combined the teachings of the cited references because Teare's teachings would have allowed Fujiwara's mechanism to navigate to a network resource based upon its name and without misdirection caused by a meta-tag in the network resource (col. 4, lines 42-44).

16. As per dependent claim 4, Fujiwara and Teare combined teaches independent claim 3. Teare teaches the claimed, automatically polling the at least two platform controllers during power on of at least one of the at least two platform controllers (col. 5, lines 9-11, **another feature involves periodically polling the name file on the server associated with the client**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have combined the teachings of the cited references because Teare's teachings would have allowed Fujiwara's mechanism to navigate to a network resource based upon its name and without misdirection caused by a meta-tag in the network resource (col. 4, lines 42-44).

17. As per dependent claim 5, Fujiwara and Teare combined teaches independent claim 3. Teare teaches the claimed, the step of polling at least two platforms for attribute data further comprises the step of polling at least one of the at least two platform controllers when polling is initiated by a user request (Fig. 3, col. 18, lines 21-24, **the copyright of digital data provided by the data providing device is inspected and the information is taken from the device the polling step includes the steps of opening an HTTP connection to the Web site, requesting and receiving a copy of the Name File**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have combined the teachings of the cited references because Teare's teachings would have allowed Fujiwara's mechanism to navigate to a network resource based upon its name and without misdirection caused by a meta-tag in the network resource (col. 4, lines 42-44).

18. As per dependent claim 6, Fujiwara teaches the claimed step of "the step of collecting the copyright information from the at least two platform controllers (Fig. 4, col. 6, lines 15-16 and lines 22-24, **the browser program may possess selected attributes from client configuration files 340 may include information regarding the system directories or system registries for client software and other information currently residing on client 120**).

19. As per dependent claim 7, Fujiwara teaches the claimed, the step of collecting the attribute data from the at least two platforms in response to the step of polling further comprises the step of collecting the license information from the at least two platform controllers (Fig. 9, col. 10, lines 3-6, **miscellaneous information 918 may include, but is not limited to, a copyright notice, a license agreement, a description of the corresponding software, a user identification number, and a password**).

20. As per dependent claim 9, Fujiwara teaches the claimed, the step of displaying the collected attribute data on a user display further comprises the step of automatically displaying the attribute data collected from the at least two platform controllers (Fig. 3, col. 6, lines 51-53, **viewed and accessed by a system user by displaying client registries 355 on a graphical user interface (GUI) of client 120**).

21. As per dependent claim 10, Fujiwara teaches the claimed, the step of displaying the collected attribute data on a user display further comprises the step of manually displaying the attribute data collected from the at least two platforms (Fig. 3, col. 6, lines 51-53, **viewed and accessed by a system user by displaying client registries 355 on a graphical user interface (GUI) of client 120**).

22. As per dependent claim 11, Fujiwara teaches the claimed, the step of displaying the collected attribute data on a user display further comprises the step of displaying

only non-copyright attribute data collected from the at least two platforms (Fig. 9, col. 10, lines 20-23, **miscellaneous information 918 may include, but is not limited to, a copyright notice, a license agreement, a description of the corresponding software, a user identification number, and a password**).

23. As per independent claim 12, Fujiwara teaches the claimed, A software copyright information managing system embodied on a computer readable medium for managing software copyright data in a data processing apparatus (col. 1, lines 20-23, **computer software programs and architecture and relates to a system and method for creating substitute registry when automatically installing an update program**), the system comprising:

Fujiwara teaches the claimed, “at least one platform controller coupled to the system controller, the system controller being configured to collect the software copyright data stored on each platform controller” as the attributes of the digital data are recorded at least a file size for URLs (Fig. 4, col. 6, lines 15-16 and lines 22-24, **the browser program may possess selected attributes from client configuration files 340 may include information regarding the system directories or system registries for client software and other information currently residing on client 120. Fig. 1, col. 7, lines 60-64, system user of client 120 (FIG. 1) accesses network page 410 by entering a corresponding network address or uniform resource locator (URL), and browser program 330 responsively connects client 120 to network page 410**).

Fujiwara teaches the claimed, a user interface connected to the system controller for displaying the software copyright data from the memory to a user (Fig. 3, col. 6, lines 51-53, **viewed and accessed by a system user by displaying client registries 355 on a graphical user interface (GUI) of client 120**).

Fujiwara does not explicitly teach a system controller for collecting data. However, Teare teaches the claimed, a system controller for collecting the data from multiple platforms (Fig. 1, col. 12, lines 41-43 and col. 18, lines 18-24, **the system then displays a Web page containing a form that enables the system to receive further information about the user, the Crawler 24 polls the customer Web site that is represented by the row or record, searching for updates to the Name File 64 that is stored in association with that Web site. The polling step includes the steps of opening an HTTP connection to the Web site, requesting and receiving a copy of the Name File**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to have combined the teachings of the cited references because Teare's teachings would have allowed Fujiwara's mechanism to navigate to a network resource based upon its name and without misdirection caused by a meta-tag in the network resource (col. 4, lines 42-44).

24. As per dependent claim 13, Fujiwara teaches the claimed, the system controller for collecting the software copyright data from multiple platforms further comprises a memory for storing the software copyright data collected by the system controller

(Fig. 1, col. 4, lines 28-30, **client 120 preferably communicates bi-directionally with database server 150 to access and store various types of information**).

25. As per dependent claim 21, Fujiwara teaches the claimed “the attribute data comprising copyright data for each software object on each platform controller (Fig. 3, col. 6, lines 19-21, **client configuration files 340 may include information regarding the system directories or system registries for client software and other information currently residing on client 120**).

26. Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara (US Patent 6,301,710) hereinafter Fujiwara, in view of Teare et al. (US Patent 6,151,624) hereinafter Teare, and in view of Saito (USPA Pub. 20020073035) hereinafter Saito.

27. As per dependent claims 8, 14, Fujiwara and Teare combined teaches independent claims 3 and 12. Fujiwara and Teare do not teach computer interfaced to copier, fax machine... However, Saito teaches the claimed, the document processing apparatus is a copier, a fax machine, a computer printer, a scanner or a multifunction device (Fig. 1, par. [0014]), lines 2-61, **the apparatus related to data processing are a versatile computer, a scanner, a printer, a copying machine, a display device, a file server, a facsimile equipment, an external storage device, and others**). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention, to

have combined the teachings of the cited references because Saito's teachings would have allowed Fujiwara's mechanism to integrate the counted values of the scanner and printer (page 1, par. [0008]).

Response to Arguments

28. Applicant's arguments in the Appeal Brief filed 5/28/2010 have been fully considered with respect to claims 1-21 but they are moot in view of the new grounds of rejection.

Contact Information

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 2164

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sathyanarayan Pannala/
Primary Examiner, Art Unit 2164

srp
August 11, 2010